



Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989 • www.montgomerycountymd.gov/council

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This meeting will be televised live on Channel 6; repeated on 9/14/07 at 8 pm and 9/15/07 at 9 am

Tuesday, September 11, 2007

8:45-9:45 Breakfast Meeting with County Executive (6th floor Council Conference Room)

10:00 INVOCATION - Reverend Jan P. Lookingbill, Emmanuel Lutheran Church, Bethesda

10:05 GENERAL BUSINESS

- (1) **A. Announcement** - Agenda and Calendar Changes (Lauer)
B. Acknowledgement - Receipt of Petitions
C. Action - Approval of Minutes: July 19, 24, and 26, 2007
- (2) **10:10 CONSENT CALENDAR**
 - A. Introduction** - Resolution regarding Spending Affordability Guidelines for FY09 Capital Budget and FY09-14 Capital Improvements Program (Orlin)
Public Hearing is scheduled for 9/18/07 at 1:30 pm.
 - B. Introduction** - Supplemental appropriation to the County Government's FY08 Operating Budget, Arts and Humanities Council Non-Departmental Account - \$90,000 for Sandy Spring Odd Fellows Hall (Source: General Fund Reserves) (Davidson)
Public Hearing is scheduled for 9/25/07 at 1:30 pm.
 - C. Introduction** - Supplemental appropriation to the County Government's FY08 Operating Budget, Montgomery County Fire and Rescue Service - \$1,992,430 for a maintenance, staging, and storage facility for MCFRS apparatus (Source: Consolidated Fire Tax District Fund) (Davidson)
Public Hearing is scheduled for 9/25/07 at 1:30 pm.
 - D. Introduction** - Resolution to approve Purchase and Sale Agreement between Montgomery County and Hampden Lane LLC (Zyontz)
MFP Committee worksession tentatively scheduled for 9/17/07.

(2) 10:10 **CONSENT CALENDAR** *(continued)*

- E. **Introduction** - Resolution to transfer \$9,175,000 project balance within the MCPS' FY08 Capital Budget to Unliquidated Surplus: (Levchenko)
- \$1,200,000 from Albert Einstein HS Signature Improvements
 - \$2,000,000 from Fields Road ES Addition
 - \$2,500,000 from Sherwood HS Addition
 - \$775,000 from Silver Spring Int'l MS/Sligo Creek ES Addition
 - \$2,700,000 from Weller Road ES Addition

ED Committee worksession tentatively scheduled for 10/8/07.

- F. **Introduction** - Resolution to amend the MCPS' FY07-12 CIP and transfer \$9,175,000 project balance from Unliquidated Surplus: (Levchenko)
- \$3,100,000 to Current Replacements/Modernizations - Richard Montgomery High School Replacement
 - \$275,000 to Northwood High School
 - \$1,080,000 to Planned Lifecycle Asset Replacement
 - \$4,720,000 to School Gymnasiums

Public Hearing is scheduled for 10/2/07 at 1:30 pm.

- G. **Receipt and Release** - Office of Legislative Oversight Report 2008-1, Base Budget Review of School Plant Operations, MCPS (Bonner-Tompkins)
- ED Committee worksession tentatively scheduled for 9/24/07.*

- H. **Action** - Confirmation of County Executive appointment to the Mid-County Citizens Advisory Board: Edward W. Allen, Jr. (Ferber)

10:15 **LEGISLATIVE SESSION Day # 28**

- A. Approval of Legislative Journal: July 19, 2007 (Lauer)

B. Introduction of Bills

- (3) • **Bill 22-07**, Potomac Horse Center - Lease Extension, sponsored by Council President at the request of the Planning Board (Faden/Mihill)
- Public Hearing is scheduled for 10/2/07 at 1:30 pm.*
- (4) • **Bill 23-07**, Non-Discrimination - Gender Identity, sponsored by Councilmember Trachtenberg, Ervin and Elrich (Mihill)
- Public Hearing is scheduled for 10/2/07 at 1:30 pm.*
- (5) • **Bill 24-07**, Real Property - Property Tax - Disclosure, sponsored by Councilmember Andrews (Mihill)
- Public Hearing is scheduled for 10/2/07 at 1:30 pm.*
- (6) • **Bill 25-07**, Criminal Justice Coordinating Commission - Amendments, sponsored by Council President at the request of the County Executive (Mihill)
- Public Hearing is scheduled for 10/2/07 at 1:30 pm.*

10:25 **DISTRICT COUNCIL SESSION**

- (7) **A. Introduction - Zoning Text Amendment 07-13, Planned Development Zones - Requirements, sponsored by the Council President at the request of the County Executive** (Zyontz)
 Action - Resolution to establish public hearing for 10/16/07 at 1:30 pm.
- (8) **B. Introduction - Resolution to approve use of Advance Land Acquisition Fund (ALARF) for acquisition of real property for Upper Paint Branch Stream Valley Park - Sandy Spring Bank, Trustee for Evelyn E. Grauel and George H. Grauel Trusts(Michaelson)**
 Action is tentatively scheduled for 9/18/07.
- (9) 10:30 **C. Oral Argument and Consideration of Hearing Examiner's Report and Recommendation:** (Zyontz)
 Application No: G-858
 Applicant: Kaz Development, LLC (Stacy P. Silber, Attorney)
 Property: 2.53 acres located at Georgia Avenue and Evans Drive, Silver Spring
 Action: Rezone from R-60 to RT-12.5
 Recommendations: Planning Staff: Approve
 Planning Board: Approve
 Hearing Examiner: Approve
- (10) 11:30 **BRIEFING - Implementation of the Development District Act - An Analysis of Legal Issues Raised by the Clarksburg Town Center Advisory Committee** (Boucher/Richards)
 MFP Committee worksession tentatively scheduled for 9/25/07.
- 12:30 **RECESS**
- (11) 1:30 **PUBLIC HEARING - Special appropriation to the County Government's FY08 Operating Budget, Department of Finance, Economic Development Fund - Emergency Assistance Program - \$1,500,000 to address the adverse economic impact of the 2007 drought on the agricultural community (Source: General Fund)** (Ferber)
 PHED Committee worksession tentatively scheduled for 9/17/07.
- (12) 1:30 **PUBLIC HEARING - Zoning Text Amendment 07-10, Central Business District (CBD) Zones - Amendments** (Zyontz)
 PHED Committee worksession tentatively scheduled for 9/24/07.
- (13) 1:30 **PUBLIC HEARING - Zoning Text Amendment 07-11, Upper Paint Branch Special Protection Area - Standards** (Zyontz)
 PHED Committee worksession tentatively scheduled for 9/24/07.
- (14) 1:30 **PUBLIC HEARING - Zoning Text Amendment 07-12, Accessory Structures - Size** (Zyontz)
 PHED Committee worksession tentatively scheduled for 9/24/07.

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- (15) 1:30 **PUBLIC HEARING/ACTION** - Subdivision Regulation Amendment 07-03, Preliminary Subdivision Plans - Approvals - Applicability of Growth Policy Amendments - Extension (Faden)

Council sitting as District Council for action on this item.

2:00 **ADJOURN**

- (16) 8:15* **PUBLIC HEARING** - FY09 Annual Budget Priorities and Performance Measures (Farber)
MFP Committee worksession tentatively scheduled for 9/24/07.

**Note: Start time for hearing is postponed from 7:30 p.m. to 8:15 p.m. to allow interested citizens and Councilmembers to attend the 9/11 Memorial Concert at Cabin John Regional Park Amphitheater at 7400 Tuckerman Lane*

The following appointment was received from the County Executive and is tentatively scheduled for interview and confirmation at a later date:

Chief, Department of Health and Human Services Behavioral Health and Crisis Services: David T. Jones

FUTURE COUNCIL MEETINGS

County Council meeting notices are posted on the bulletin board in the fifth floor lobby of the Council Office Building in Rockville, pursuant to State law.

Note: See the COMMITTEE AGENDA for a listing of the Committee meetings currently scheduled.

Sep 18, 2007	9:30 am	Regular Session
Sep 25, 2007	9:30 am	Regular Session
Sep 26, 2007	7:30 pm	Town Hall Meeting - Derwood
Oct 2, 2007	8:30 am	Breakfast Meeting with County Executive
Oct 2, 2007	9:45 am	Regular Session
Oct 9, 2007	9:30 am	Regular Session
Oct 16, 2007	9:30 am	Regular Session
Oct 23, 2007	9:30 am	Regular Session
Oct 30, 2007	9:30 am	Regular Session

FUTURE PUBLIC HEARINGS

To testify call 240-777-7931

Sep 18, 2007

1:30 pm	Spending Affordability Guidelines for FY09 Capital Budget
1:30 pm	Expedited Bill 20-07 , Bond Authorization
7:30 pm	Bill 19-07 , Eating and Drinking Establishments - Nutrition Labeling
7:30 pm	Resolution to adopt Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus

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FUTURE PUBLIC HEARINGS (continued)

To testify call 240-777-7931

Sep 20, 2007

7:30 pm Resolution to affirm rejection of incorporation of Rollingwood Village of Chevy Chase

Sep 25, 2007

1:30 pm Supplemental appropriations to the County Government's FY08 Operating Budget
➤ MCFRS - \$1,992,430 for a maintenance, staging, and storage facility for MCFRS apparatus
➤ Arts and Humanities Council NDA - \$90,000 for Sandy Spring Odd Fellows Hall

Oct 2, 2007

1:30 pm Resolutions to amend the MCPS' FY07-12 CIP and transfer \$9,175,000 project balance from Unliquidated Surplus:
➤ \$3,100,000 to Current Replacements/Modernizations - Richard Montgomery High School Replacement
➤ \$275,000 to Northwood High School
➤ \$1,080,000 to Planned Lifecycle Asset Replacement
➤ \$4,720,000 to School Gymnasiums

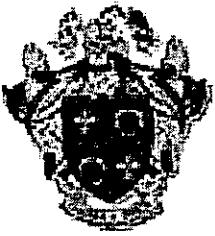
Oct 9, 2007

1:30 pm Supplemental appropriation to the County Government's FY08 Capital Budget and amendment to the FY07-12 CIP, DPWT - \$1,474,000 for US 29 Sidewalks



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Montgomery County Council
Legislative Information Services

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Tuesday, September 11, 2007

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Agenda Item #1	There were no Petitions received in LIS.	Lauer

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- A. Did the Clarksburg Master Plan require the CTCDD to be created before the Planning Board approved the Clarksburg Town Center's subdivision plan?
- B. Did the Development District Act require the CTCDD to be created before the Planning Board approved the Clarksburg Town Center's subdivision plan?
- C. Is using the CTCDD to finance infrastructure items that the Planning Board required as a condition of subdivision or site plan approval consistent with the Regional District Act, the County subdivision law, and the County zoning law?
- D. Will the CTCDD finance any infrastructure item that is not an eligible "infrastructure improvement" under the Development District Act?
- E. Was the Executive authorized to recommend that the CTCDD finance additional infrastructure items beyond those the Planning Board listed as necessary to comply with adequate public facilities and Growth Policy requirements?
- F. Is the Council resolution creating the CTCDD invalid because all residents of Clarksburg Town Center were not properly notified of the Council hearing on that resolution?
- G. Did the property owner approval process for the CTCDD comply with State law governing development districts?

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Implementation of the Development District Act

An Analysis of Issues Raised by the Clarksburg Town Center Advisory Committee

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